

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/803,126  
Inventor(s) : James Robert Schwartz et al.  
Filed : 03/17/2004  
Art Unit : 1616  
Examiner : Ernst V. Arnold  
Docket No. : 9183M&  
Confirmation No. : 4865  
Customer No. : 27752  
Title : AUGMENTATION OF PYRITHIONE ACTIVITY OR A  
POLYVALENT METAL SALT OF PYRITHIONE  
ACTIVITY BY ZINC-CONTAINING LAYERED  
MATERIAL

**35 U.S.C. §103(c)(2) STATEMENT**

Mail Stop RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In view of the provisions of 35 U.S.C. 103(c)(2), it is respectfully submitted that Johnston et al. does not preclude patentability of the claimed invention under 103(a). The reasons are as follows: (1) the instantly claimed invention was made by or on behalf of Procter & Gamble Company (P&G) and Arch Chemicals, Inc. pursuant to a joint research agreement between P&G and Arch Chemicals, Inc. This agreement qualifies as a Joint Research Agreement within the meaning of 35 U.S.C. 103(c)(3) since it was in effect prior to the date that the claimed invention was made; (2) the claimed invention was made as a result of activities undertaken within the scope of the Joint Research Agreement; and (3) the specification has been amended herein to disclose the names of the parties to the joint research agreement.

Appl. No. 10/803,126  
Docket No. 9183M&  
Paper dated September 4, 2009  
Reply to Office Action mailed on March 4, 2009

Respectfully submitted,  
James Robert Schwartz et al.

By /Linda Marie Sivik/  
Linda M. Sivik  
Registration No. 44,982  
(513) 983-4639

Date: September 4, 2009  
Customer No. 27752